

EXHIBIT C

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

OPENAI, INC.,

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This Document Relates To:

No. 1:23-cv-11195 (SHS) (OTW)

25-md-3143 (SHS) (OTW)

DECLARATION OF LILLIAN DAI

I, Dr. Lillian Dai, declare as follows:

1. I am the Founder and Principal of Avia Global Consulting Corporation. I submit this declaration on behalf of the News Plaintiffs in support of their Supplemental Letter regarding OpenAI's destruction of output log data. I have personal knowledge of the facts set forth below and if called as a witness, could testify competently thereto.

2. Members of my team and I have reviewed and analyzed OpenAI's letter dated March 31, 2025 that states the volume of ChatGPT Free, Pro, and Plus "user conversations" that it has destroyed since December 27, 2023 (the "Destroyed Conversation Data").

3. Members of my team and I have reviewed and analyzed the metadata produced by OpenAI that reflects the volume of ChatGPT Free, Pro, and Plus "user conversations" from December 9, 2022 to December 19, 2024 in OpenAI's possession (the "Retained Conversation Metadata").

4. Upon reviewing the Destroyed Conversation Data in the context of the Retained Conversation Metadata, I observed that in the month after The New York Times Company ("The

Times”) filed its initial Complaint in December 2023, OpenAI was destroying [REDACTED] of all user conversation data for its ChatGPT Free, Plus, and Pro products.

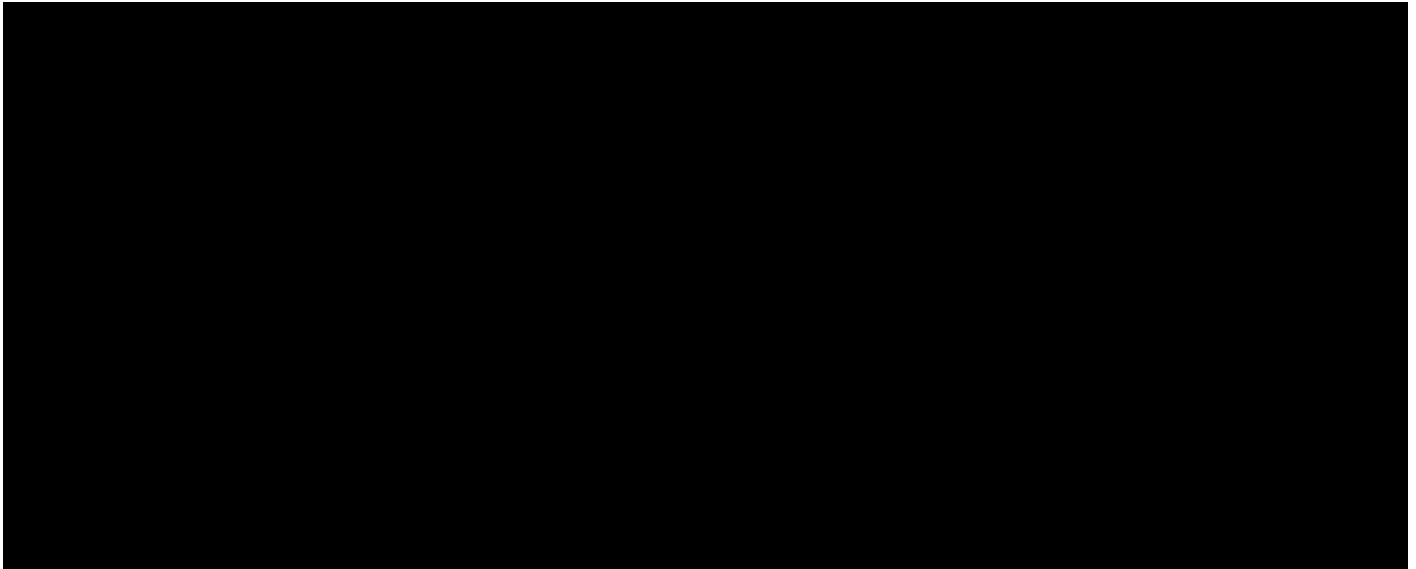
5. I also observed that in late October 2024, [REDACTED]

[REDACTED]

6. Additionally, in early January, [REDACTED]

[REDACTED]

7. Below is a chart that members of my team and I prepared based on the Retained Conversation Metadata and the information OpenAI shared in its March 31, 2025 letter that shows the volume of conversation data that OpenAI has retained over time (in navy blue) and destroyed over time (in pink).



8. I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on May 6, 2025



Dr. Lillian Dai